
From: Waye, Don
To: Wu, Jennifer
CC: Henning, Alan; allison.castellan@noaa.gov; Carlin, Jayne
Sent: 10/14/2014 3:51:42 PM
Subject: FW: Check-in on New Development Guidance/LID for Ashland and Roseburg
Attachments: CitiesCZARA, 10-14-14,dw.xlsx

Jenny,

Don't worry about verifying our existing MS4 coverage information. It was easy to find online at:
<http://www.deq.state.or.us/wq/stormwater/municipalph2.htm>

I have taken the liberty to update your spreadsheet. See attached. The changes I made were to better reflect what Gene Foster noted below. On the "bad news" side, he says that neither temperature nor bacteria listings are likely to trigger the post-construction guidance, so I removed those from the count of municipalities that are likely to be subject to this guidance. On the "good news" side, the count now reflects credit for bringing those municipalities with existing bacteria and sediment TMDLs in line with implementing the post-construction guidance and meeting the New Dvpt MM (upon their next 5-year review). By making these adjustments, I reduced the uncertainty from the previous "Tally A / Tally B" columns on the far right side, so there's only a single column now.

The result of these adjustments is that:

77% of municipalities in the coastal nonpoint management area (48 of 62) are likely to be implementing the new development management measure, either through Oregon's TMDL implementation process or by virtue of MS4 NPDES stormwater coverage.

By population, this coverage reaches 91% of the people living in these municipalities.

Thanks for working with DEQ on this.

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: 202-566-1170

From: Waye, Don
Sent: Tuesday, October 14, 2014 11:48 AM
To: Wu, Jennifer
Subject: RE: Check-in on New Development Guidance/LID for Ashland and Roseburg

Jenny,

This is great! So the crux of the answer is what I thought, but am glad to get confirmation straight from DEQ:

For those DMAs where DEQ determines that post construction needs to be addressed, DEQ would require that the DMAs update their TMDL implementation plans and DEQ would recommend that the DMAs follow the "TMDL Implementation Guidance: Guidance for Including Post-Construction Elements in TMDL Implementation Plans"

I forgot that Ashland is an MS4 community, so we've already said this about Ashland:

Beyond the State's reliance on a voluntary approach, portions of Oregon's coastal nonpoint management area that are designated as MS4s are excused from implementing the new development management measure, per the federal agencies' December 20, 2002, memo, *Policy Clarification on Overlap of 6217 Coastal Nonpoint Programs with Phase I and II Stormwater Regulations*, as they are regulated under the National Pollutant Discharge and Elimination System (NPDES) Phase I and II stormwater permit program. The federal agencies rely on the NPDES program to manage polluted runoff from new development in these areas. The City of Ashland, the City of Medford, and the Rogue Valley Sewer Services (which includes the cities of Central Point, Phoenix and Talent, and portions of Jackson County in the Medford Urbanized Area) are the only

MS4s currently within the coastal nonpoint management area.

I can't tell from Gene's answer below if Roseburg is also an MS4 community. I don't want to trouble Gene for more information if we can obtain it fairly easily in some other way. But can you get me a list of the MS4 communities in Oregon's Coastal Nonpoint Management Area or (even better) run down the list of cities in the spreadsheet and add a column noting which are designated MS4s?

Thanks.

Don

From: Wu, Jennifer

Sent: Monday, October 13, 2014 1:58 PM

To: FOSTER Eugene P; Waye, Don

Cc: LOBOY Zach; WALTZ David; MEYERS Bill; MRAZIK Steve; BLAKE Pam; JOHNSON York; DRAKE Doug; TARNOW Karen E; WIGAL Jennifer; COX Lisa; HICKMAN Jane

Subject: Re: Check-in on New Development Guidance/LID for Ashland and Roseburg

Thanks very much, Gene. Don, let's talk more and see whether you have questions and would like to do a follow-up call.

From: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>

Sent: Friday, October 10, 2014 3:10 PM

To: Wu, Jennifer; Waye, Don

Cc: LOBOY Zach; WALTZ David; MEYERS Bill; MRAZIK Steve; BLAKE Pam; JOHNSON York; DRAKE Doug; TARNOW Karen E; WIGAL Jennifer; COX Lisa; HICKMAN Jane; FOSTER Eugene P

Subject: RE: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Jenny

In general, for geographic areas where TMDLs have already been issued for pollutant(s) that are stormwater related:

- These issues will be addressed at the five year review of DMA implementation of the TMDL. These reviews occur as resources allow, as an example, in the Rogue Basin DEQ has a Basin Coordinator, Basin Specialist, and the Rogue Valley Council of Governments (RVCOG) that have been active in implementation of the Rogue and Bear Creek TMDLs (see Ashland discussion below). However, in the Umpqua Basin the Basin Coordinator position was eliminated and only part of that work was picked up by the MidCoast Basin Coordinator (see Roseburg discussion below).
- The Basin Coordinators conducting the five year review will meet with the DMAs;
- DEQ will assess the status of the DMAs current stormwater management plans/programs. For those DMAs where DEQ determines that post construction needs to be addressed, DEQ would require that the DMAs update their TMDL implementation plans and DEQ would recommend that the DMAs follow the "TMDL Implementation Guidance: Guidance for Including Post-Construction Elements in TMDL Implementation Plans"
- This would be for those DMAs that received an allocation, or are part of a sector that received an allocation, for a pollutant that is stormwater related;
- The DMA TMDL implementation plan would only cover the areas that the DMA has authority.

Pollutants such as bacteria and sediment, and maybe nutrients, are historically stormwater related. Temperature historically was not. Implementing post-construction stormwater management strategies are not optional (i.e., voluntary) by a DMA if (a) load allocation(s) is issued and (b) post-construction strategies are key to meeting one or more pollutant load allocations.

Having DMAs update their TMDL IPs is discussed in our TMDL Urban Guidance document (link below), see pages 7 & 8.

<http://www.deq.state.or.us/wq/tmdls/docs/TMDLguidance.pdf>

Specifically for Ashland and Roseburg:

Ashland: The City of Ashland is an MS4 community as well as a DMA identified in the 2007 Bear Creek TMDL. The City has submitted a TMDL implementation plan to meet the requirements of the TMDL and reports on the progress associated with the plan on an annual basis. ODEQ reviews the plan and annual reports to ensure that they are meeting the identified implementation benchmarks and the TMDL. In the Urban Runoff section of the City's TMDL plan the city has repeatedly stated that they have addressed the majority of the barriers to low impact development (LID) through the phase II stormwater program. They have also stated that they intend to incorporate LID approaches into capital improvements, development and redevelopment projects to reduce impervious areas and infiltrate runoff. The City of Ashland's stormwater ordinances reference the regional stormwater quality design manual for guidance for its management measures. That manual was developed locally by Rogue Valley Sewer Services (RVSS) in conjunction with the local jurisdictions and ODEQ. ODEQ is currently sponsoring Oregon Environmental Council's project to develop an LID development guidance for small cities in Western Oregon. RVSS is on the technical advisory team for this project and the City of Ashland has agreed to participate in both the guidance development process and the development of a regional project that will test the new guidance. The guidance is expected to be completed by late summer 2015. The regional LID test project will be identified in the near future and will begin implementation by late summer as well (see OEC link below).

Roseburg: The Basin Coordinator is reviewing Roseburg's stormwater management plan and TMDL implementation plan, but we don't expect to complete that review process and start meeting with the City until ~ March 2015. DEQ will be evaluating whether the six primary MS4 "strategies" are part of their non-MS4 SW plan, along with the post-construction and the other questions in the attached document "Stormwater Workshop Data Collection Questions DRAFT 20140912", these questions are intended to augment and not supersede the guidance, both will be used in working with Roseburg to update their TMDL implementation plan.

In addition, as mentioned above, we have a 319 LID project with Oregon Environmental Council to develop a LID manual for Western Oregon, to give communities guidance in designing, constructing and maintaining greener stormwater facilities.

<http://www.oeconline.org/our-work/water/stormwater/low-impact-development>

Let me know if you have questions or want to discuss.

Gene

From: Wu, Jennifer [<mailto:Wu.Jennifer@epa.gov>]
Sent: Friday, October 10, 2014 7:54 AM
To: FOSTER Eugene P; LOBOY Zach; WALTZ David; MEYERS Bill
Cc: Waye, Don
Subject: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Gene, Zach, David, and Bill,

Thanks for your previous responses on the New Development guidance and how it relates to the Rogue, Bear Creek, and Umpqua TMDLs. I'm following up on a call I think you all had last week on how Ashland and Roseburg would handle stormwater-related discharges and how that might work with New Development guidance or LID guidance that you're working on.

I'm working with Don Waye at HQ on the New Development Guidance under CZARA, and he's cc:ed above. A question has come up how much coverage the TMDLs provide re: the new development measure under CZARA, and to simplify the question, Don is focusing on Ashland and Roseburg to see what's done in some of the major cities in the coastal nonpoint management area where TMDLs have already been done. If it's difficult to send something in writing or it'd be easier to clarify the question, I can arrange a phone call. Of course, folks are welcome to talk with each other, too, but I'd be happy to set something up to save people time. If you could let me know by next Tuesday, 10/14, whether DEQ will send something in writing or I should set up a phone call, that'd be great.

Thanks for the help,
Jenny